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7 Attorney for Plaintiffs
 8 BRUCE A. BURROWS and
 9 JAMES A. ROESSLER

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

11	BRUCE A. BURROWS and JAMES A.)	
12	ROESSLER,)	CASE NO. C 07-5354 MHP
13	Plaintiffs)	
14)	
15)	JOINT STATUS/CASE
16	DWIGHT W. PERRY, CARLETON L.)	MANAGEMENT STATEMENT,
17	PERRY, KWANG SUK LEE, KUI JA LEE,)	STIPULATION, AND
18	NAM SUN PARK AND SEUNG HEE)	(PROPOSED) ORDER
19	PARK,)	DATE: September 8, 2008
20	Defendants.)	TIME: 3:00 p.m.
21)	
22)	

22 Pursuant to this Court's Civil Local Rule ("Civ. L.R.") 16-9, the parties jointly submit
 23 this Status/Case Management Statement, Stipulation, and Proposed Order. Each party certifies
 24 that its lead trial counsel who will try this case met and conferred for the preparation of this
 25 Statement as required by Civ. L.R. 16-3.

26 The parties make the following representations and stipulations:

1 **A. JOINT STATEMENT OF FACTS AND EVENTS UNDERLYING THE ACTION**

2 1. Since June, 2008, a report on additional investigation and a proposed Soil Vapor
3 Extraction Pilot Study Workplan has been prepared and submitted to the Alameda County Division
4 of Environmental Health (“ACDEH”) and is presently under review by ACDEH.

5
6 2. Since May, 2008, a stay has been in effect upon agreement of the parties and order of
7 this Court until September 1, 2008, and a Status/Case Management Conference has been scheduled
8 for September 8, 2008, at 3:00 p.m.

9
10 3. The Plaintiffs, the Perrys Defendants, the Parks Defendants and the Chiu Family
11 Trust Cross-Defendant have been in compliance with their agreement to contribute to and share
12 certain costs reached at the time of the May 1, 2008, Settlement Conference before Magistrate Judge
13 Laporte.

14 4. The Plaintiffs, the Perrys Defendants, the Parks Defendants, Cross-Defendant the
15 Chiu Family Trust, and Cross-Defendants Dublin Town & Country Associates and William
16 Kartoizian, a general partner in Dublin Town & Country Associates, have all been in compliance
17 with the stay which was part of their agreement reached at the time of the May 1, 2008, Settlement
18 Conference before Magistrate Judge Laporte.

19
20 5. The parties anticipate review and approval shortly by ACDEH of the Soil Vapor
21 Extraction Pilot Study Workplan, and implementation of that workplan immediately thereafter, to be
22 conducted in September and October, 2008. The parties anticipate that the results of that
23 implementation will be reported in November, 2008.

24
25 6. With the purpose of minimizing costs to the parties and the waste of time of this
26 Court, all the parties hereby stipulate to continuance of the stay and rescheduling of the Status/Case
27 Management Conference before the Court.

1 **B. IDENTIFICATION AND SIGNATURE OF LEAD TRIAL COUNSEL**

2 The parties hereby respectfully request that the Court continue the stay previously ordered in
3 the case until December 15, 2008. The parties further respectfully request that the Court
4 reschedule the pending Status/Case Management Conference to a date in December, 2008, shortly
5 before December 15, 2008, or such other date that is convenient to the Court.
6

7 Karl R. Morthole hereby attests that concurrence in this Joint Case Management Conference
8 Statement was obtained from Lead Trial Counsel for the Defendants listed immediately below.

9 *Jan A. Greben, (by KRM with permission of JAG)*

10 Jan A. Greben, 1332 Anacapa Street, Suite 110, Santa Barbara, CA 93101, 805-963-9090
11 [Parks Defendants Lead Trial Counsel]

12 _____
13 Thomas M. Downey, 1901 Harrison Street, 11th Floor, Oakland, CA 94612, 510-444-6800
14 [Perrys Defendants Lead Trial Counsel]

15 _____
16 Edward W. Polson, 5000 Hopyard Road, Suite 400, Pleasanton, CA 94588, 925-225-9600
17 [Chiu Family Trust Cross-Defendant Lead Trial Counsel]

18 _____
19 Gregory C. Brandt, 1111 Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
20 [Dublin Town & Country Associates and William Kartoian Cross-Defendants Lead Trial
21 Counsel]

22 Date: August 29, 2008

23 Respectfully submitted,

24 LAW OFFICES OF KARL R. MORTHOLE

25 By *Karl R. Morthole*

26 Karl R. Morthole
27 Lead Trial Counsel for Plaintiffs
28 Law Offices of Karl R. Morthole
57 Post Street
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8 Statement was obtained from Lead Trial Counsel for the Defendants listed immediately below.
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10 _____
11 Jan A. Greben, 1332 Anacapa Street, Suite 110, Santa Barbara, CA 93101, 805-963-9090
12 [Parks Defendants Lead Trial Counsel]

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21 [Dublin Town & Country Associates and William Kartoizian Cross-Defendants Lead Trial
22 Counsel]

23 Date: August __, 2008

24 Respectfully submitted,

25 LAW OFFICES OF KARL R. MORTHOLE

26 By _____
27 Karl R. Morthole
28 Lead Trial Counsel for Plaintiffs
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8 Statement was obtained from Lead Trial Counsel for the Defendants listed immediately below.
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10 _____
Jan A. Greben, 1332 Anacapa Street, Suite 110, Santa Barbara, CA 93101, 805-963-9090
[Parks Defendants Lead Trial Counsel]
11

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Thomas M. Downey, 1901 Harrison Street, 11th Floor, Oakland, CA 94612, 510-444-6800
[Perrys Defendants Lead Trial Counsel]
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Edward W. Polson, 5000 Hopyard Road, Suite 400, Pleasanton, CA 94588, 925-225-9600
[Chiu Family Trust Cross-Defendant Lead Trial Counsel]
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17 Gregory C. Brandt, 1111 Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
[Dublin Town & Country Associates and William Kartoizian Cross-Defendants Lead Trial
18 Counsel]
19

20 Date: August ____, 2008

21 Respectfully submitted,

22 LAW OFFICES OF KARL R. MORTHOLE

23 By _____
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24 Lead Trial Counsel for Plaintiffs
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25 57 Post Street
Suite 801
26 San Francisco, CA 94104
(415) 986-0227
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28

1 **B. IDENTIFICATION AND SIGNATURE OF LEAD TRIAL COUNSEL**

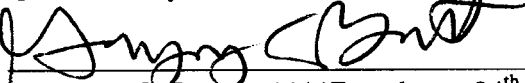
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11 Jan A. Greben, 1332 Anacapa Street, Suite 110, Santa Barbara, CA 93101, 805-963-9090
12 [Parks Defendants Lead Trial Counsel]

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14 Thomas M. Downey, 1901 Harrison Street, 11th Floor, Oakland, CA 94612, 510-444-6800
15 [Perrys Defendants Lead Trial Counsel]

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17 Edward W. Polson, 5000 Hopyard Road, Suite 400, Pleasanton, CA 94588, 925-225-9600
18 [Chiu Family Trust Cross-Defendant Lead Trial Counsel]

19 _____
20 
21 Gregory C. Brandt, 1111 Broadway, 24th Floor, Oakland, CA 94607-4036, 510-834-6600
22 [Dublin Town & Country Associates and William Kartoziian Cross-Defendants Lead Trial
23 Counsel]

24 Date: August 27, 2008

25 Respectfully submitted,

26 LAW OFFICES OF KARL R. MORTHOLE

27 By _____
28 Karl R. Morthole
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~~(PROPOSED)~~ ORDER

The court finds that each party was represented by lead trial counsel responsible for trial of this matter and was given an opportunity to be heard as to all matters encompassed by this Status/Case Management Statement, Stipulation, and (Proposed) Order filed prior to the date of this conference. The court adopts this statement as modified and enters it as the Order of this court pursuant to Civ. L.R. 16-8(b).

The foregoing joint statement, as amended by setting the date for the next Status/Case Management Conference for December 8, 2008, is adopted by this court as the Case Management Order in this action in accordance with Civ. L.R. 16 and other applicable Local Rules, and shall govern all further proceedings in this action.

IT IS SO ORDERED.

Date: September 5, 2008

